

IMPROVEMENT OF RESERVOIRS AT THE HEAD OF THE MISSISSIPPI RIVER.

JANUARY 15, 1897.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TOWNE, from the Committee on Rivers and Harbors, submitted the following

REPORT.

[To accompany H. R. 9756.]

The Committee on Rivers and Harbors, to whom was referred House bill 9756, submit the following report:

The river and harbor act passed at the last session of Congress contained an appropriation of \$80,000 to continue the improvement upon the reservoirs at the head of the Mississippi River, which together with the amount of \$5,374.97 remaining on hand from the last preceding appropriation, makes a total of \$85,374.97 available for the purpose. But the act of 1894 contained a condition that the United States should not be subject to any cost or expense due to overflowing land or property necessarily taken in the construction of the Gull Lake Reservoir. This bill removes that limitation. The subjoined letter from the Acting Chief of Engineers, United States Army, fully explains the reason for the enactment:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 9, 1897.

SIR: I have the honor to return herewith a letter, dated the 7th instant, from the chairman of the Committee on Rivers and Harbors of the House of Representatives inclosing, for the views of the Secretary of War thereon, House bill 9756, Fifty-fourth Congress, second session, "A bill to amend the river and harbor act of August eighteenth, eighteen hundred and ninety-four."

The river and harbor act which became a law August 18, 1894, in the item making appropriation for the care and maintenance of reservoirs at the headwaters of the Mississippi, authorizes the construction of a reservoir and dam at Gull Lake, Minnesota, but specifically provides that the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for this reservoir and dam. This provision is a continuing one and prevents the application of not only the money appropriated by the aforesaid act, but of that appropriated by the subsequent act of June 3, 1896, in payment for any land, or in liquidation of any damages that may be inflicted upon land by flowage as a result of the construction of this dam.

While the right to overflow some of the adjacent lands has been given gratuitously to the Government, there are a few tracts of improved property the owners of which will not grant the right to overflow without payment by the Government for the damages inflicted. As the construction of the reservoir will necessarily inflict damage upon this land, and as the owners demand payment for such damages, it has been found necessary, on account of the restriction in the act of August 18, 1894, to suspend operations on the work.

The removal of the restriction is absolutely necessary to permit the prosecution of the improvement, and assuming that it is the intention of Congress that the work shall proceed, the passage of the bill under consideration is recommended.

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

HON. DANIEL S. LAMONT,
Secretary of War.

For the reasons indicated in this letter your committee are unanimously of the opinion that the bill should pass.